

REMARKS

In response to the Office Action dated August 24, 2005, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 15-25 in view of the remarks presented herein below. Further, Applicants wish to thank the Examiner for the courtesy of a personal interview on August 11, 2005.

In paragraph 1 of the Office Action, the Examiner rejects claims 15-22 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,133,967 to Moon ("Moon"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. §103, the Office Action must set forth a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some motivation or suggestion to modified the applied reference. Second there must be a reasonable expectation of success. Finally, the reference must teach each and every claimed element. (See MPEP §2143). In the present case, claims 15-22 are not properly rejected under 35 U.S.C. §103 because the Office Action fails to establish a *prima facie* case of obviousness.

In rejecting independent claim 15, from which claims 16-22 variously depend, the Examiner asserts that although Moon fails to disclose a first insulating layer formed on an entire surface of the first substrate except an upper portion of the storage capacitor electrode, it would have been obvious to one skilled in the art to modify the LCD of Moon such that the insulating gate layer 5 is removed only from the capacitor electrode to facilitate formation of a capacitor with increased capacity. To support this conclusion, the Examiner makes various assertions, each of which are unfounded as discussed below.

First, the Examiner asserts that the teachings of Moon render the claimed invention obvious since there is no disclosed functional significance to the structural difference between Moon and the claimed invention. However, whether or not Applicants' disclosure or Moon discloses a functional significance to the structural differences between the claimed LCD and the LCD of Moon is not germane to the patentability of the claimed invention. Independent claim 15 defines an apparatus comprising a specified structure. Therefore, the patentability of claim 15 rests on the claimed structure, not the functionality achieved by said structure. In Moon, the substrate between the gate electrode 3 and the storage electrode 4 may have good dielectric

characteristics, but may have poor protective characteristics, so the substrate is not properly protected from the liquid crystal. Therefore, the structural differences between Moon and the present invention, are significant.

As acknowledged by the Examiner, Moon fails to disclose an LCD device which includes each and every claimed element. Accordingly, absent proper motivation to alter the structure of Moon, the rejection of claims 15-22 is improper.

The Examiner also asserts that in considering the disclosure of a reference it is proper to take into account not only specific teachings of the reference but also that inferences which one skilled in the art would reasonably be expected to draw there from. However, the Examiner fails to provide any evidence as to why one skilled in the art would have inferred the structure of the claimed invention from the teachings of Moon. More specifically, the Examiner fails to provide any evidence as to why one skilled in the art would have inferred from Moon's disclosure of forming a gate insulating layer 5 over the gate electrode 3 that the gate insulating layer 5 should be formed on an the entire surface of the substrate except an upper portion of the storage capacitor electrode as recited in claim 15.

Claims 16-22 variously depend from independent claim 15. Therefore, claims 16-22 are patentably distinguishable over Moon for at least those reasons presented above with respect to claim 15. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 15-22 under 35 U.S.C. §103.

In paragraph 5 of the Office Action, the Examiner rejects claims 23-25 under 36 U.S.C. §103(a) as allegedly being unpatentable over Moon in view of U.S. Patent No. 6,545,730 to Hwang ("Hwang"). Applicants respectfully traverse this rejection.

Claim 23-25 variously depend from independent claim 15. Therefore, claims 23-25 are patentably distinguishable over Moon for at least those reasons present above with respect to claim 15. Hwang discloses a thin film transistor array panel for a liquid crystal display, however, Hwang fails to overcome the deficiencies of Moon.

Since Moon and Hwang both fail to disclose or suggest an LCD device that includes a first insulating layer formed on an entire surface of the first substrate except an upper portion of the storage capacitor electrode, the combination of these two references cannot possibly disclose or suggest said feature. Therefore, even if one skilled in the art were motivated to combine

Moon and Hwang, the combination would still fail to render claims 23-25 unpatentable for at least the reason that the combination fails to disclose each and every claimed element.


Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 23-25 under 35 U.S.C. §103.

Applicants believe the foregoing remarks place the application in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: October 11, 2005

Respectfully submitted,

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